(3)

BEFORE THE M.P STATE ADMINISTRATIVE TRIBUNAL AT RAIPUR

O.A.NO. 157 ...2002 WPIS 5044/03

APPLICANT..... Kishore Kumar Patjoshi
S/o Shri S.Patjoshi
Age about 37 yrs.
R/o Village & P.O.-Jamgaon
District-Raigarh (C.G.)

VERSUS

NON APPLICANTS..... (1) Govt. of Chhattisgarh
Respondent Through Secretary Department of
School Education, Mantralaya
D.K.S.Bhawan ,Raipur(C.G.)
(2) Joint Director
Public Instructions education
Division,Bilaspur (C.G.)
(3) Deputy Director,
Public Instruction Education
Distt. Raigarh (C.G.)
(4) District Education officer
Distt. Raigarh (C.G.) .
(5) Chief Executive Officer,
Jila Panchayat,Dist. Raigarh (C.G.)

Application under section 19 of the Administrative Tribunal Act 1985

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HIGH COURT OF CHHATTISGARH AT BILASPUR
Writ Petition(s) No. 5044 of 2005

Petitioner — Kishore Kumar Patjoshi

Versus

Respondents — Govt. of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri T.N. Nande, Advocate for the petitioner.
Shri Ajay Dwivedi, Panel lawyer for the respondents/State.

ORAL ORDER

(27th June, 2006)

1. Learned counsel for the petitioner submits that the petitioner was appointed on 14.8.1981 (Annexure A/1) on adhoc basis at the wages of Rs. 6.50 per day.

2. According to the petitioner, the petitioner was appointed on daily wages basis. Learned counsel for the petitioner is not in a position to state as to whether the appointment of the petitioner was made in accordance with law or not. It appears that no procedure has been followed, while appointing the petitioner on daily wages basis. After a period of three months, the petitioner was removed from the employment. No documents indicating the fact that the petitioner was removed from service is filed. The petitioner has no right to be reinstated or regularized, in view of the fact that the appointment of the petitioner was not in accordance with the constitutional scheme.

3. In view of the dictum laid down by the Supreme Court in the case of **Secretary, State of Karnataka and others Vs. Umadevi and others** [(2006) 4 Supreme Court Cases 1], this petition has no merit and is accordingly dismissed summarily. In the facts and circumstances, there shall be no order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Babla